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Matthew Karnowski

August 31, 2020

David Whitt v. City of St. Louis, et al.

Exhibit B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAVID WHITT,

PLAINTIFF

VS.

CASE NO. 4:18-CV-1294

CITY OF ST. LOUIS, et al.

DEFENDANT

VIDEOCONFERENCE DEPOSITION OF
MATTHEW T. KARNOWSKI
TAKEN ON BEHALF OF THE PLAINTIFF
AUGUST 31, 2020

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20 (Exhibit attached to transcript.)

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1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MISSOURI
3 EASTERN DIVISION

4 DAVID WHITT,

5 PLAINTIFF,

6 vs.

No. 4:18-CV-1294

7 CITY OF ST. LOUIS, et al.,

8 DEFENDANT.

9
10 Videoconference Deposition of MATTHEW T.
11 KARNOWSKI, produced, sworn, and examined on the 31st
12 day of August, 2020, between the hours of 1:06
13 o'clock in the forenoon and 2:39 o'clock in the
14 afternoon, at the offices of PohlmanUSA Court
15 Reporting, LLC, 10 South Broadway, Suite 1400, in
16 St. Louis, Missouri, before Pamela K. Needham, CCR,
17 CSR (MO, IL), in a certain cause now pending UNITED
18 STATES DISTRICT COURT, EASTERN DISTRICT OF MISSOURI,
19 EASTERN DIVISION, wherein DAVID WHITT is the
20 Plaintiff, and CITY OF ST. LOUIS, et al., are the
21 Defendants.
22
23
24
25

1 APPEARANCES:

2

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25

1 IT IS HEREBY STIPULATED AND AGREED, by and between
2 counsel for the Plaintiffs and counsel for the
3 Defendants, that the videoconference deposition of
4 MATTHEW T. KARNOWSKI may be taken in shorthand by
5 Pamela K. Needham, Certified Court Reporter (IL
6 084-002247 and MO 505), and afterwards transcribed
7 into typewriting; and the signature of the witness
8 is waived.

9 * * * * *

10 (On the record at 1:06 p.m.)

11 MATTHEW T. KARNOWSKI,
12 of lawful age, produced, sworn, and examined on
13 behalf of the Plaintiff deposes and says:

14 EXAMINATION

15 QUESTIONS BY MR. MOBLEY

16 Q. Good afternoon, Mr. Karnowski, and is it
17 Sergeant Karnowski?

18 A. Yes.

19 Q. Okay. Well, my name is Pat Mobley, I
20 represent the plaintiff, David Whitt, in this case,
21 and we're here today for your deposition. Would you
22 start off by just spelling -- stating and spelling
23 your name, and then giving your DSN for the record,
24 please?

25 A. Sure, my name is again Matthew

1 **Karnowski, my first name is spelled M-A-T-T-H-E-W,**
2 **my last name is spelled K-A-R-N-O-W-S-K-I, and my**
3 **DSN is 6887.**

4 Q. Have you ever given a deposition before?

5 **A. I'm sorry?**

6 Q. Have you ever had your deposition taken
7 before?

8 **A. I have.**

9 Q. About how many times?

10 **A. Approximately six.**

11 Q. Okay. Is this your first time doing one
12 virtually, though, over the computer?

13 **A. It is.**

14 Q. Yeah, so they're a little bit different
15 obviously. You know, we kind of have to just be
16 patient with each other, let me know right away if
17 there's something that I ask that you can't hear or
18 don't understand, or if you run into any technical
19 problems just make sure that we know about those
20 right away.

21 **A. Sure.**

22 Q. Just like in a normal deposition we want
23 to avoid talking over each other so that Pam, the
24 court reporter, can take down everything that we're
25 saying, but it's even a little bit more difficult

1 via the Internet, so I'll do my best to wait until
2 you're done giving your answer before I ask my next,
3 question, and if you just wait for me to finish my
4 question before you begin your answer, that will
5 make it a lot easier on Pam. And of course, nodding
6 and shaking your head doesn't get recorded in the
7 record, so if you can just say "yes" or "no" to yes
8 or no questions, that would be much appreciated.

9 **A. Okay.**

10 Q. And if you don't understand a question,
11 it's my job to improve it, so just let me know if
12 there's something you don't understand, and I'm
13 happy to reask it or to rephrase. So is it fair
14 then that if I, that if you answer a question, I can
15 assume that we -- that you understood it?

16 **A. Sure.**

17 Q. And if you don't know the answer, just
18 let me know that, you don't have to guess, you can
19 say "I don't know." And then if you come up with
20 like a clarification or additional information, even
21 if it's a few questions down the road from the
22 question that you answered, just make sure that you
23 let me know of it whenever you think of it, okay?

24 **A. Yep.**

25 Q. And we can take breaks as you need, just

1 let me know. We, the only thing I ask is that we
2 don't leave a pending question. So if I ask you a
3 question, answer it, and then we can start the
4 break.

5 **A. Sounds good.**

6 Q. And then is there any reason that you
7 can't give accurate answers today or follow the
8 groundrules that we just talked about?

9 **A. No.**

10 Q. Okay. What did you do to prepare for
11 today's deposition?

12 **A. I, Ms. Duncan and I had a meeting last**
13 **week to discuss the case.**

14 Q. Okay, please, please don't tell me the,
15 the content of any of your communications with Ms.
16 Duncan, okay, that's privileged, but anything
17 else --

18 **A. Okay.**

19 Q. -- that you did to prepare, go ahead and
20 tell me about it.

21 **A. I skimmed over the relevant police**
22 **reports.**

23 Q. (Inaudible.)

24 **A. You broke up on that last one.**

25 Q. Did you say reports plural?

1 **A. Yes.**

2 Q. Which reports were those?

3 **A. The police report concerning the arrest**
4 **of Mr. Whitt, and then the police report concerning**
5 **the events at which he was interfering.**

6 Q. Did you review any other media, video,
7 audio, anything like that?

8 **A. With Ms. Duncan I did.**

9 Q. Okay. Let's talk a little bit about
10 your educational background. What's the highest
11 level of education that you completed?

12 **A. I have a Bachelor's Degree.**

13 Q. (Inaudible.)

14 **A. I -- your last question didn't come**
15 **through.**

16 Q. What year did you get your Bachelor's?

17 **A. 2000 -- bear with me. 2017, I believe I**
18 **graduated.**

19 Q. And where did you graduate from?

20 **A. Lindenwood University.**

21 Q. What was your concentration or your
22 major?

23 **A. Criminal Justice Science.**

24 Q. And (inaudible) that you've obtained?

25 THE REPORTER: I didn't hear the

1 question.

2 THE WITNESS: You're, you're breaking up
3 again.

4 Q. Is that Bachelor's Degree the highest
5 degree that you have obtained?

6 **A. Yes.**

7 Q. Do you have any certifications or
8 licenses related to police work?

9 **A. I do.**

10 Q. What (inaudible)...

11 MS. DUNCAN: What was that, Pat?

12 Q (By Mr. Mobley) What, what certifications
13 or licenses related to police work do you have?

14 THE WITNESS: I have a, I am licensed by
15 the Peace Officers Training Commission by the State
16 of Missouri.

17 Q. Is that what's sometimes called post
18 certification?

19 **A. Correct.**

20 Q. All right. And who's your current
21 employer?

22 **A. The St. Louis Metropolitan Police**
23 **Department.**

24 Q. Okay. (Inaudible) start with SLMPD?

25 **A. What was that first, you're --**

1 MS. DUNCAN: Pat --

2 Q (By Mr. Mobley) When did you start
3 working for SLMPD?

4 THE WITNESS: In 2005.

5 Q. Did you graduate from the SLMPD police
6 academy?

7 **A. I did.**

8 Q. Was that also in 2005?

9 **A. It was early 2006.**

10 Q. So in early 2006 then did you become a
11 probationary officer?

12 **A. Yes.**

13 Q. And how long were you a probationary
14 officer?

15 **A. One year.**

16 Q. As a probationary officer did you have
17 any sort of formal reprimands?

18 **A. No.**

19 Q. Did you express concern at your
20 competency in any areas of police work?

21 **A. I'm sorry, what was the first part of**
22 **your question?**

23 Q. Did any of your trainers mention that
24 they were, that they thought that you weren't
25 displaying competency in any area of police work?

1 **A. Not that I am aware of.**

2 Q. And after you stopped being a
3 probational officer, did you become then a patrol
4 officer?

5 **A. A police officer, yes.**

6 Q. And what district were you assigned to?

7 **A. District 9.**

8 Q. And can you describe the location of
9 District 9?

10 **A. District 9 is, or was at the time**
11 **located in the central part of the city, and roughly**
12 **bordered by Jefferson, 44, Kingshighway, Delmar, and**
13 **then Vandeventer up to North Market, and North**
14 **Market back to Jefferson.**

15 Q. What were your general duties when you
16 were in District 9?

17 **A. General police duties, basic**
18 **investigations, investigating traffic accidents, any**
19 **number of the routine and daily things police**
20 **officers and (inaudible) do.**

21 Q. And for how long were you a police
22 officer in District 9?

23 **A. Approximately two and a half years.**

24 Q. Did you have any training while you were
25 a police officer in District 9?

1 **A. I took a ton of training, police**
2 **officers in the state of Missouri are required to**
3 **take a certain amount of training hours each year in**
4 **order to maintain their license, and I took, I have**
5 **some extra classes, but I don't remember**
6 **specifically what they were at this point, it was a**
7 **while back.**

8 Q. Okay. And after your two point, two and
9 a half or so years as a police officer, were you
10 promoted?

11 **A. No.**

12 Q. What happened after two and a half
13 years?

14 **A. I was transferred to our Anticrime**
15 **Division as a detective.**

16 Q. What did your duties become when you
17 became a detective in the Anticrime Division?

18 **A. Members of our Anticrime Division**
19 **primarily focus their efforts in an undercover**
20 **capacity on auto... automobile-related crimes in the**
21 **city of St. Louis.**

22 Q. Are you currently a detective in the
23 Anticrime Division?

24 **A. No.**

25 Q. How long were you a detective in the

1 Anticrime Division?

2 **A. About seven years.**

3 Q. After those seven years, what was your
4 next position?

5 **A. I was promoted to the rank of sergeant**
6 **and transferred to the 5th District.**

7 Q. (Inaudible.)

8 **A. Pat, you're, you broke up again.**

9 Q. Sorry. Where is the 5th District?

10 **A. The 5th District is in the northwestern**
11 **part of the city.**

12 Q. And what are your duties as a sergeant
13 in the 5th District?

14 **A. I am not currently assigned to the 5th**
15 **District.**

16 Q. Okay. Are you currently a sergeant in a
17 different district?

18 **A. I am.**

19 Q. Do your duties differ from when you were
20 a sergeant in the 5th District?

21 **A. No.**

22 Q. Okay, then tell me about your current
23 duties and what district you're in?

24 **A. So, as I mentioned before, I'm a police**
25 **sergeant, so I supervise front line police officers.**

1 Q. (Inaudible) work in the field?

2 THE REPORTER: I didn't hear the
3 question, sorry.

4 THE WITNESS: Pat, repeat, please,
5 repeat the first part.

6 Q. Yeah. I think I just need to speak more
7 slowly. So your supervising police officers, does
8 that involve work in the field?

9 A. It does.

10 Q. (Inaudible) office work, as it were?

11 A. Pat, you're --

12 Q. Do you do office work, as it were?

13 A. I, I got office work, yeah, being a
14 sergeant does, does include quite a bit of office
15 work, unfortunately.

16 Q. What, what percentage of your time would
17 you say you're doing police work as opposed to
18 office work, if we can consider them different
19 things?

20 A. I'd say for me about 60 percent is
21 administrative. It's a pretty dynamic number,
22 though, that changes constantly.

23 Q. Fair enough. Who is your direct report?

24 A. Right now I, my direct supervisor is
25 Lieutenant Kelly Middleton.

1 THE REPORTER: The last name, is it
2 Mills?

3 THE WITNESS: Middleton,
4 M-I-D-D-L-E-T-O-N.

5 Q (By Mr. Mobley) So what does the 60
6 percent of your time that you spend on --
7 approximately 60 percent of your time that you spend
8 on administrative tasks consist of?

9 A. There's quite a bit. Conducting annual
10 performance reviews and quarterly performance
11 reviews on my officers, the officers assigned to my
12 supervision, updating and maintaining our daily work
13 sheets, and examining and approving and making
14 corrections to police reports, accident reports, and
15 other forms pertinent to police work, ensuring my
16 officers are conducting follow-up investigations as
17 needed, so there's, there's probably more, but
18 that's pretty much the gist of it.

19 Q. Do you have any role in assigning your
20 officers to training?

21 A. A tertiary role, yes.

22 Q. Tell me what that means.

23 A. So in the Metropolitan Police Department
24 training, mandatory training, the mandatory annual
25 training we talked about earlier is preassigned

1 essentially by the folks who (inaudible) us for the
2 following year, so it's incumbent upon me to make
3 sure that my officers attend training as needed, but
4 I also arrange supplemental training to my officers
5 if they need it.

6 Q. And is there a specific schedule that
7 divvies up your time between doing administrative
8 tasks and being out on the street?

9 A. No.

10 Q. So what causes you to go out onto the
11 street?

12 A. If my officers respond to a call that
13 sounds like -- if my officers respond to calls or,
14 you know, and request my assistance I come out,
15 larger crimes such as shootings -- or larger
16 influence I should say, such as shootings, or
17 accidents where there's persons struck, accidents
18 involving a fatality, or other very serious calls,
19 sergeants are actually dispatched. And I also try
20 to be out on the street with my guys as much as
21 possible.

22 Q. That was kind of my next question. So
23 it sounds like you... would it be fair to say that
24 you mostly are on the street in response to specific
25 calls, but sometimes you are out on patrol with your

1 officers?

2 **A. It really depends, there's so many**
3 **variables involved. I'm not going to commit to**
4 **saying yes on that one.**

5 Q. Okay. So are there days where you are
6 not responding to a particular call, but you are out
7 on the street with, with your officers?

8 **A. Yes.**

9 Q. And what are you doing during those
10 days?

11 **A. That's a pretty broad question.**

12 Q. So are you riding in a car with an
13 officer sometimes?

14 **A. Generally not.**

15 Q. (Inaudible) a cruiser then?

16 **A. Pat, that question didn't come through.**

17 Q. You said that you weren't riding along
18 with the officers, are you driving a cruiser?

19 **A. Not -- so in the St. Louis Metropolitan**
20 **Police Department the term cruiser refers to what is**
21 **generally known as a paddy wagon.**

22 Q. Oh, my mistake. I wouldn't expect you
23 to be driving a paddy wagon.

24 **A. Sure.**

25 Q. Are you driving a police car?

1 **A. Yes.**

2 Q. Okay. And do you construct -- do you
3 conduct what you would consider ordinary patrol work
4 when you're out on the street, or are you just
5 responding to incidents to which your officers have
6 been called?

7 **A. I guess it depends on one's definition**
8 **of ordinary patrol work.**

9 Q. So do you spend time patrolling the --
10 I'm sorry, what district are you in now?

11 **A. I'm in the 4th District.**

12 Q. Okay. Do you spend time driving around
13 the 4th District making sure that everything is
14 safe?

15 **A. Not as much as I'd like to,**
16 **unfortunately.**

17 Q. Well, you do that sometimes?

18 **A. Rarely, but yes.**

19 Q. Okay. Have you been employed by a
20 police department before you began working for
21 SLMPD?

22 **A. No.**

23 Q. Did you have full-time employment before
24 you worked for SLMPD?

25 **A. I did.**

1 Q. Where did you work?

2 A. The St. Louis Fire Department.

3 Q. What did you do there?

4 A. I was a paramedic.

5 Q. About how long were you a paramedic at
6 St. Louis Fire Department?

7 A. About, I was an EMT, and then later
8 promoted to the rank of paramedic, and I was
9 employed for a total of about four and a half years.

10 Q. Have you ever worked secondary?

11 A. Yes.

12 Q. Do you currently work secondary?

13 A. I do.

14 Q. Do you work for City's Finest, LLP?

15 A. Yes.

16 Q. Where do you work for them?

17 A. Where do I work? From my home, from the
18 office that, that we have.

19 Q. So when you're working secondary, are
20 you out in the community providing security?

21 A. No.

22 Q. What are your duties for City's Finest?

23 A. I am part of the management team, so I
24 handle a couple of accounts for the company. And
25 I'm, well, kind of the operations guy, as well, so I

1 **direct (inaudible) vehicle fleets and bicycle**
2 **fleets.**

3 THE REPORTER: I did not hear the end of
4 your answer after "operations guy."

5 THE WITNESS: I, I manage the, our fleet
6 of vehicles and bicycles. And I also manage a
7 couple of accounts.

8 Q (By Mr. Mobley) Have you ever served in
9 the military?

10 **A. No.**

11 Q. Are you a member of the St. Louis Police
12 Officers' Association?

13 **A. Yes.**

14 Q. Are you a member of any other
15 professional organizations?

16 **A. I am a member of the International**
17 **Police Mountain Bike Association.**

18 Q. The International... I'm sorry, I didn't
19 hear the last few words?

20 **A. Police Mountain Bike Association.**

21 Q. What does that organization do?

22 **A. It's a not-for-profit organization that**
23 **supports police cyclists.**

24 Q. Since you've been with SLMPD, have you
25 received any commendations, things like chief's or

1 captain's letters?

2 **A. I've received a number of chief's**
3 **letters, captain's letters, officer of the month.**

4 Q. Have you ever been demoted within SLMPD?

5 **A. No.**

6 Q. Have you ever been assigned to
7 administrative duties as a disciplinary measure?

8 **A. No.**

9 Q. Have you ever been suspended?

10 **A. Yes.**

11 Q. Was that with pay or without pay?

12 **A. Without.**

13 Q. And in how many instances have you been
14 suspended?

15 **A. Abby, are you still with us?**

16 MS. DUNCAN: Yes.

17 THE WITNESS: Okay. Twice.

18 Q (By Mr. Mobley) What was the first time
19 for?

20 **A. It was alleged that I had violated a**
21 **pursuit policy, and what was it, there was a, a**
22 **violation of a pursuit policy, and then failure to**
23 **exercise duties associated with rank.**

24 Q. What was the second time for?

25 **A. For violation of the sick time policy**

1 **and secondary employment policy.**

2 Q. What were you alleged to have done to
3 violate the pursuit policy?

4 **A. There was a rather large pursuit of a**
5 **suspect who was alleged to have just committed a**
6 **homicide in broad daylight, and it was alleged**
7 **that... I was a little unclear on the Department's**
8 **position, but it was alleged that I essentially did**
9 **not supervise the pursuit correctly.**

10 Q. So you were the officer in charge of the
11 pursuit?

12 **A. One of them, yes.**

13 Q. How many days were you suspended for
14 violating the pursuit policy?

15 **A. Two.**

16 Q. And how many days for violating the sick
17 time and secondary policy?

18 **A. Two.**

19 Q. Other than your time as being suspended
20 without pay, have you ever been docked pay or
21 benefits for disciplinary reasons?

22 **A. No, sir.**

23 Q. Have you ever received a reprimand, a
24 reprimand, rather written or oral, from a
25 supervisor?

1 **A. I have.**

2 Q. Approximately how many?

3 **A. One.**

4 Q. What was that for?

5 **A. A at fault accident years ago when I was**
6 **a new police officer.**

7 Q. Have you ever been told that you need
8 counseling or retraining on the Department policy?

9 **A. No.**

10 Q. (Inaudible.)

11 MS. DUNCAN: What was that, Pat?

12 THE WITNESS: Pat, you broke up.

13 Q. Have you ever been interviewed by the
14 Internal Affairs Department?

15 **A. Yes.**

16 Q. (Inaudible.)

17 **A. Pat, I didn't hear you.**

18 Q. (Inaudible.)

19 **A. It still didn't come through, Pat, I**
20 **think your Internet connection --**

21 Q. No problem.

22 **A. Is bad.**

23 Q. Can you hear me now?

24 **A. Yes.**

25 MS. DUNCAN: Yes.

1 Q (By Mr. Mobley) Okay. How many times
2 have you been interviewed by IAD?

3 THE WITNESS: Maybe five or six.

4 Q. Do you remember what you were
5 interviewed for?

6 **A. So the, the two suspensions we spoke**
7 **about, and then there's some interviews concerning**
8 **investigations into other department employees.**

9 Q. So is it fair to say that the only time
10 that you've been interviewed by IAD regarding your
11 own alleged bad conduct was for the two times that
12 you've been suspended?

13 **A. I believe so.**

14 Q. Have you ever been in front of the
15 Civilian Oversight Board?

16 **A. No.**

17 Q. Has anyone ever filed an employee
18 misconduct report against you?

19 **A. I believe so, but I don't remember**
20 **specifically what it was.**

21 Q. Do you remember whether it was another
22 SLMPD employee or a member of the public?

23 **A. It would have been a member of the**
24 **public. The public. But it's been so long, I don't**
25 **recall.**

1 Q. And I assume since you don't remember --
2 I assume since you don't remember, the allegation
3 was unsubstantiated?

4 **A. It -- yes.**

5 Q. Have you ever been convicted of a crime?

6 **A. I got a traffic ticket when I was a**
7 **teenager, but other than that, no.**

8 Q. Yeah, we don't count those, that's okay.
9 Have you ever been charged with a crime other than
10 those traffic tickets or one ticket?

11 **A. No.**

12 Q. Other than in this lawsuit have you ever
13 been sued?

14 **A. Yes.**

15 Q. How many times?

16 **A. Abby may be able to -- I guess you're**
17 **questioning me -- Abby might be able to help with**
18 **that, there's a number of pending lawsuit arising**
19 **from the Stockley protest. And I don't know the**
20 **exact number.**

21 Q. Okay, and you're named in multiple of
22 those suits, though?

23 **A. Yes.**

24 Q. Do any of them have to do with the
25 alleged kettling incident?

1 **A. Yes.**

2 Q. Were you on the scene the night of the
3 kettling incident?

4 **A. I was.**

5 Q. So I'd like to talk a little bit now
6 about your training. You testified that you got a
7 bachelor's in Criminal Justice Science. Other than
8 that college course work, please just summarize the
9 academy training and then the subsequent education
10 that you received since you've been working for
11 SLMPD?

12 MS. DUNCAN: I'm going to object as to
13 vague, Pat, can you be a little more specific on
14 what you're wanting him to summarize?

15 MR. MOBLEY: Sure.

16 MS. DUNCAN: Just hours or --

17 Q (By Mr. Mobley) So when, when you were in
18 the academy -- first of all, how many hours did you,
19 did you take at the academy?

20 THE WITNESS: Gosh, I... maybe 700.

21 Q. Did any of that class work or course
22 work relate to the First Amendment?

23 **A. Sure.**

24 Q. Approximately how much?

25 **A. I don't remember.**

1 Q. Did you learn anything about St. Louis's
2 interfering ordinance?

3 A. I don't recall specifically.

4 Q. What about, did any of your academy
5 course work deal with members of the public who are
6 filming police officers?

7 A. I don't recall specifically.

8 Q. Since you graduated from the academy and
9 have been taking continuing education courses, have
10 you had any courses on the First Amendment?

11 A. Likely. But I don't recall
12 specifically.

13 Q. How many hours, and you may have
14 testified to this earlier, I apologize, how many
15 hours per year do you take of continuing education?

16 A. We're required -- we are required to
17 attend I believe a minimum of 24 hours per year.

18 MS. DUNCAN: Did you say 24, Matt?

19 THE WITNESS: Correct.

20 MS. DUNCAN: Okay.

21 Q (By Mr. Mobley) In your experience as a
22 police officer, what's your understanding of what
23 the First Amendment protects?

24 MS. DUNCAN: I object as to it calls for
25 a legal conclusion. To the extent you know, Matt,

1 you can testify.

2 THE WITNESS: The First Amendment
3 protects citizens rights to assembly, freedom of
4 speech, freedom of religion.

5 Q (By Mr. Mobley) And how does that, how
6 does the First Amendment relate to the City's
7 Interfering Ordinance?

8 MS. DUNCAN: Again, calls for a legal
9 conclusion. You can answer.

10 THE WITNESS: How does the First
11 Amendment relate to the City's ordinance?

12 Q (By Mr. Mobley) Correct?

13 **A. Or Interfering Ordinance?**

14 Q. Correct.

15 **A. That's an interesting question. I, I**
16 **guess I don't quite understand what you're trying to**
17 **ask or get.**

18 MS. DUNCAN: Could you rephrase, Pat?

19 Q (By Mr. Mobley) Yeah, it's okay, so I'm
20 going to actually, I'll just move on, and I'm going
21 to bring up or attempt to bring up a document that
22 hopefully you'll be able to see and to scroll
23 through.

24 MS. DUNCAN: Which one are you pulling
25 up?

1 Q (By Mr. Mobley) 106?

2 MS. DUNCAN: 106, is that what --

3 Q (By Mr. Mobley) Yeah. Sergeant, can you
4 see the documents on your screen?

5 THE WITNESS: I can, I can see the very
6 top half of the special order, but I'm unable to
7 scroll through it.

8 Q. Okay. Let's see. As I scroll through,
9 does it move for you?

10 **A. It does.**

11 Q. Okay. So first, it sounded like you
12 recognize what this document is, is that right?

13 **A. Correct.**

14 Q. Okay. Do you need me to scroll through
15 the rest of the document so you can review it
16 quickly?

17 **A. Sure.**

18 Q. Okay. I'll show you the top of the
19 second page, and let me know when you'd like me to
20 scroll down, take your time.

21 **A. You can continue to scroll up.**

22 Q. Okay.

23 (Scrolling through document.)

24 **A. Okay. You can stop there. So yes, I'm**
25 **familiar with this document.**

1 Q. And what is it?

2 A. It's a Special Order, it's the police
3 department's Special Order pertaining to the
4 recording of police activity by citizens.

5 Q. Tell me what a Special Order is.

6 A. A Special Order is a document, or a body
7 of documents that essentially outline and set rules
8 on the Metropolitan Police Department for conduct
9 and actions in operations.

10 MR. MOBLEY: Before I ask my next
11 question, Pam, can we mark this as P1, please,
12 before I forget?

13 THE REPORTER: Yes.

14 (Plaintiff's Exhibit Number 1 marked for
15 identification.)

16 Q (By Mr. Mobley) How did you come to see
17 this document for the first time?

18 THE WITNESS: I believe when this
19 document was written I had to sign off on it in our
20 PAS System.

21 Q. (Inaudible) this document?

22 A. That first part didn't come through,
23 Pat.

24 Q. Did you receive any specific training
25 related to this document?

1 **A. Not that I recall.**

2 Q. Okay, if we can look at, it will be
3 paragraph B2 on Page 2, can you see that on your
4 screen right now?

5 **A. Yes.**

6 Q. Okay, so this section is called General
7 Information, and in paragraph 2 it says that:
8 Bystanders have an absolute right to photograph
9 and/or record the enforcement actions of any police
10 officer so long as the bystanders actions do not,
11 and then we have A, B, C, D, E and F, is that
12 correct?

13 **A. Correct.**

14 Q. Can you please read into the record A
15 through F?

16 **A. Sure. "Place the safety of the**
17 **bystander or any police officer, witness, victim or**
18 **suspects in jeopardy. Hinder the execution or**
19 **performance of an officer's official duties.**
20 **Interfere with or violate any law, ordinance or**
21 **code, criminal or traffic. Obstruct police actions**
22 **while engaged in the recording. For example,**
23 **individuals may not interfere through direct**
24 **physical intervention, tampering with the witness,**
25 **or by specifically engaging an officer with**

1 questions or interruptions. The fact that recording
2 and/or overt verbal criticism, insults or name
3 calling may be annoying does not, of itself, justify
4 an officer taking corrective or enforcement action,
5 or ordering that the recording be stopped. This is
6 an infringement of an individual's right to
7 protected speech. Unreasonably impede the movement
8 of emergency equipment or personnel, or the flow of
9 vehicular pedestrian traffic, or attempt to incite
10 an immediate breach of the peace or incite others to
11 commit a violation of the law."

12 Q. Thank you. Is this list of actions that
13 would subject the bystander who is filming police
14 officers to arrest, does this list comport with your
15 understanding of instances in which a person filming
16 the police may be subject to arrest?

17 A. Yes.

18 Q. (Inaudible) circumstances that in your
19 mind, based on your training and experience, you
20 could arrest someone who was filming the police?

21 A. Pat, the first half of your question was
22 broken up.

23 Q. So based on your training and
24 experience, are there any instances not listed here
25 in which a person could be arrested for filming the

1 police?

2 **A. No.**

3 Q. So now I want to move to the morning of
4 August 8, 2016, which I'll represent to you is the
5 date of the events in question in this case. Where
6 were you at 10 a.m. on that day?

7 **A. I don't remember specifically where I**
8 **was at exactly 10 a.m.**

9 Q. So if I represent to you that the
10 incident, the incident that we're here about took
11 place at about 10 a.m., could you tell me where you
12 were?

13 **A. Sure, so we were referring to the**
14 **incident in which Mr. Whitt is involved, or the**
15 **incident where four to five juveniles as being in a**
16 **stolen car on Wells?**

17 Q. Were those in the same place?

18 **A. Were those in the same place? The...**

19 Q. Right.

20 **A. I, I can't, there, there were multiple**
21 **areas of concern that morning.**

22 Q. Okay, so tell me the general
23 geographical location of where this all took place.

24 **A. So juveniles that had been in, we**
25 **believed to have been in a stolen vehicle were**

1 **located north of Wells, and then there was the**
2 **incident with Mr. Whitt on Wells, itself.**

3 Q. How far north of Wells were the, the
4 alleged car thieves?

5 **A. Approximately two blocks.**

6 Q. Were those individuals in custody?

7 **A. At which point?**

8 Q. Sorry, yeah, I'm asking you general
9 questions, and now I asked you a specific question,
10 I'm sorry about that. So let's see. So you were
11 responding to the call regarding the stolen vehicle,
12 is that right?

13 **A. I was responding to supervise the call**
14 **of the individuals that had been apprehended in**
15 **terms of the stolen vehicle.**

16 Q. When you arrived on the scene, had David
17 Whitt arrived yet?

18 **A. I don't recall specifically in, when**
19 **we're talking, when I first arrived I arrived near**
20 **the location where the juvenile subjects were taken**
21 **into custody or being held in police cars.**

22 Q. And what was occurring two blocks
23 away -- well, let me, let me strike that.

24 Approximately how many officers had
25 responded to this call?

1 **A. Potentially eight, possibly eight, if I**
2 **recall correctly.**

3 Q. And do you remember how many police
4 vehicles they had brought to the scene?

5 **A. Four or five approximately.**

6 Q. So if we think now about the moments
7 immediately before you were made aware of Mr.
8 Whitt's presence, in those moments were you still
9 two blocks away with the, the other suspects?

10 **A. Yes.**

11 Q. And how many officers were two blocks
12 away to make contact with Mr. Whitt.

13 **A. So I think there might be a little bit**
14 **of confusion. At the point where the officers had**
15 **converged after taking the juvenile suspects into**
16 **custody, or attempting to take the juvenile suspects**
17 **into custody, Mr. Whitt had approached their**
18 **position.**

19 Q. (Inaudible) meeting, for lack of a
20 better term?

21 **A. I'm sorry?**

22 Q. Where officers were meeting and speaking
23 to one another?

24 **A. Correct.**

25 Q. So the incident occurred, and then tell

1 me if anything I'm saying sounds incorrect, but it
2 sounds like the incident occurred, the suspects were
3 secured, and then the officers moved down the road a
4 little ways to talk to each other about what had
5 happened.

6 **A. No, I don't necessarily think that's**
7 **true, I think that the officers kind of converging**
8 **in one spot after the, the suspects were taken into**
9 **custody, I think someone brought that I believe, and**
10 **some may have been taken into custody right there,**
11 **and then at some point we moved the whole thing back**
12 **over to Wells.**

13 Q. When you say the whole thing, does that
14 mean all of the vehicles and all of the suspects?

15 **A. And all of the officers.**

16 Q. Do you know what the closest cross
17 street of Wells was?

18 **A. Where? Wells and like... you have to be**
19 **more specific, because there's a lot of crossroads**
20 **for Wells.**

21 Q. So when officers encountered Mr. Whitt,
22 what was the nearest cross street?

23 **A. If I recall correctly, it was**
24 **Kingshighway.**

25 Q. Okay. Was the stolen, or the allegedly

1 stolen vehicle present at the scene?

2 **A. Yes.**

3 Q. Did you move it with everything else
4 down to Wells, or did it remain where it had been
5 two blocks away?

6 **A. It, as in the stolen vehicle?**

7 Q. Yes.

8 **A. We never touched the stolen vehicle.**

9 Q. Was Officer Shaw there responding to
10 that call?

11 **A. Yeah, I believe he was.**

12 Q. Was Officer Linhorst also at the scene?

13 **A. Yes.**

14 Q. Who had called you to let you know about
15 this situation?

16 **A. I don't think anybody specifically**
17 **called me to let me know, but I monitored the call**
18 **over the radio channel.**

19 Q. So it's accurate to say then that you
20 weren't responding to a request from one of your
21 officers, you just used your professional judgment
22 to decide that that was a situation where a sergeant
23 might be needed?

24 **A. I don't recall specifically if I was**
25 **requested or not, but I would have responded to that**

1 **sort of incident.**

2 Q. The allegedly stolen vehicle, was it
3 parked on the street?

4 **A. Yes, on Wells.**

5 Q. Was there a crowd that had gathered at
6 the scene?

7 **A. Of nonpolice officers, no.**

8 Q. Correct, okay, thanks. Were there any
9 other suspects in the automobile theft that were
10 still at large?

11 **A. Possibly.**

12 Q. (Inaudible.)

13 **A. What was that, Pat? You didn't come**
14 **through.**

15 Q. Did you know of any suspects that were
16 at large in particular?

17 **A. No, not necessarily.**

18 Q. Before (inaudible) arrived, were there
19 any other civilians in the area?

20 **A. What is that, Pat? You were choppy.**

21 Q. Before Mr. Whitt arrived, were there
22 other civilians in the area?

23 **A. I would assume so, there was some houses**
24 **on the street, so there could have been citizens**
25 **inside of their houses.**

1 Q. Why did, why did you and your colleagues
2 decide to move yourselves and your cars and the
3 suspects down the street before you decided to --
4 why did you decide to move down the street to have
5 your, your consultation, your meeting?

6 **A. Back to the stolen car you mean?**

7 Q. No, so you moved away from the stolen
8 car, right? And then you had the meeting a ways
9 away, and I'm asking why did you move away from the,
10 from the stolen car?

11 **A. Well, I don't -- you may be a little bit**
12 **confused. We didn't move away from the stolen car,**
13 **my officers moved towards the suspects that were**
14 **running. So the suspects dictated our action.**

15 Q. I see, so you obtained -- you
16 apprehended the suspects at about the place where
17 you wound up having the meeting?

18 **A. My officers did, yes.**

19 Q. Okay, I understand now, thanks.

20 MS. DUNCAN: I just want to object to
21 any characterization of them having a meeting. I
22 don't think the witness ever said that.

23 Q (By Mr. Mobley) Before you were made
24 aware of Mr. Whitt's presence at the scene, how long
25 had the suspects been in custody?

1 **A. I don't know.**

2 Q. Were the suspects in custody when you
3 arrived at the scene?

4 **A. Yes.**

5 Q. Approximately how long from your arrival
6 at the scene was it until you were made aware of Mr.
7 Whitt's presence?

8 **A. Now when you say the scene, we're**
9 **talking two different areas here, the area in which**
10 **the suspects were taken into custody, and then the**
11 **man on Wells.**

12 Q. I'm referring to the scene in which Mr.
13 Whitt is accused of interfering.

14 **A. Okay, can you repeat the question? I**
15 **apologize.**

16 Q. Yeah.

17 MR. MOBLEY: If I can -- can you read
18 that back for please, Pam?

19 THE REPORTER: Yes.

20 (The requested portion of the
21 record read by the reporter as follows:)

22 THE REPORTER: QUESTION: "Approximately
23 how long from your arrival at the scene was it until
24 you were made aware of Mr. Whitt's presence?"

25 THE WITNESS: Perhaps a minute or so.

1 Q. (Inaudible.)

2 THE REPORTER: I couldn't hear the
3 question.

4 Q (By Mr. Mobley) How were you made aware
5 of Mr. Whitt's presence?

6 THE WITNESS: My observations.

7 Q. Were you the first officer on the scene
8 to notice Mr. Whitt?

9 **A. I have no way of answering that.**

10 MS. DUNCAN: Objection, speculation.

11 Q (By Mr. Mobley) Who was the first officer
12 to encounter Mr. Whitt?

13 THE WITNESS: You're probably going to
14 have to define "encounter" a little bit more
15 closely.

16 Q. Who was the first officer to -- who was
17 the first person, the first officer to speak to Mr.
18 Whitt?

19 **A. I, I think it was me.**

20 Q. What did you say to him first?

21 **A. It would have, if I recall correctly, it**
22 **was to ask him to back up.**

23 Q. Did he back up when you asked him the
24 first time?

25 **A. Not a whole lot.**

1 Q. (Inaudible.)

2 A. Pat, if you asked that question it
3 didn't come through.

4 Q. You said that he didn't back up very
5 far; how far did he back up?

6 A. Maybe a couple of feet.

7 Q. How far away from the nearest police
8 vehicle was Mr. Whitt when you encountered him?

9 A. I don't recall specifically.

10 Q. Was he standing in the street, on a
11 sidewalk, in a parking lot?

12 A. It depends on at which point, at one
13 point he was in the street, but at another point he
14 was on the sidewalk.

15 Q. Had he moved to the sidewalk in response
16 to an officer telling him to back up?

17 A. You -- that first part didn't come
18 through, Pat.

19 Q. Sorry. Had he moved from the street to
20 the sidewalk in response to an officer asking him or
21 ordering him to back up?

22 A. I don't remember specifically.

23 Q. What prompted you to go approach Mr.
24 Whitt?

25 A. Mr. Whitt was in close proximity to a

1 piece of evidence, and I was concerned that, A, he
2 would contaminate it, he was also in close proximity
3 to our police cars that contained juvenile suspects,
4 and then he was in physically, I don't know what his
5 intentions were, but he was in close proximity to
6 us, as well. So I wanted him to move back for our
7 safety and to preserve any possible evidence.

8 Q. (Inaudible.)

9 A. Pat, that didn't come through at all.

10 Q. What was the piece of evidence that he
11 was near?

12 A. The van. The stolen car.

13 Q. How far away from the stolen car was he?

14 A. When he got off of his bike and was --
15 or when he was stationery over his bicycle, maybe
16 seven to ten feet away.

17 Q. So I want to, I, I'm confused about
18 something, and I apologize for that, so let me go
19 back a little ways and talk about the physical
20 arrangement of all these things. It was my
21 understanding from your testimony that the officers,
22 their vehicles, and the suspects were located about
23 two blocks away from the van, and that's when --

24 A. Yes.

25 Q. -- Mr. Whitt approached?

1 **A. Correct.**

2 Q. How did you get him --

3 **A. He approached us twice.**

4 Q. Where was the first time?

5 **A. Where the suspect -- near where all the**
6 **suspects were apprehended or gathered. More to**
7 **where the stolen van was.**

8 Q. And that's two blocks away from the van,
9 is that right?

10 **A. About two blocks to the north, yes.**

11 Q. Okay. So he approached you for the
12 first time when you, after you had moved away from
13 the van, is that right?

14 **A. We never moved away from the van, sir.**
15 **The, there's two, two instances where we encountered**
16 **Mr. Whitt. There was the spot two blocks north of**
17 **the van where, where we had essentially consolidated**
18 **our resources. Mr. Whitt approached us and recorded**
19 **us. Then I ordered all the officers to bring all**
20 **the aspects to where the stolen van was, which was**
21 **two blocks to the south, and then Mr. Whitt followed**
22 **us.**

23 Q. Okay. Let's talk first about the first
24 time that he approached you. (Inaudible) speak to
25 him?

1 **A. The first part of your statement didn't**
2 **come through.**

3 Q. The first time that he approached you,
4 which I understand was up more at what I'll call the
5 scene of the crime; is that fair to call it that?

6 **A. I, I don't think so.**

7 Q. Okay.

8 **A. It's just on the scene close to where**
9 **everybody was apprehended.**

10 Q. Okay. So as I understand your
11 testimony, the first time that he approached you was
12 up close to the van, is that right?

13 **A. No.**

14 Q. Okay. The first time he approached you
15 was when you were north of the van.

16 **A. North by about two blocks, yes.**

17 Q. Okay. And at that time who was the
18 first officer to speak to him? To Mr. Whitt?

19 **A. Nobody spoke to Mr. Whitt when we were**
20 **north, two blocks north of where the van was parked.**

21 Q. Why not?

22 **A. There was no reason to.**

23 MS. DUNCAN: Objection to the extent it
24 calls for speculation. You can answer that, I'm
25 sorry.

1 THE WITNESS: There was no reason to
2 speak to Mr. Whitt at that point.

3 Q (By Mr. Mobley) So sometime after you
4 noticed Mr. Whitt, you ordered that you consolidate
5 your resources a little ways away from the van, is
6 that right?

7 A. No. After -- the first time we noticed
8 Mr. Whitt didn't have any part of my decision
9 making -- didn't affect any part of my decision
10 making, because no matter what, we had to bring the
11 suspects and involved officers to the stolen van,
12 which we never, we hadn't been to in the first
13 place. We hadn't been there yet. When we moved --
14 so in, I apologize if, if you're confused. Call was
15 received for five juvenile suspects being in a
16 stolen vehicle. My officers responded to the area
17 and apprehended as many of the suspects we believed
18 to be involved as we could. Nobody went to the van,
19 so we were two blocks north, that's where I went to
20 where my officers had all these suspects into
21 custody. While we were there, Mr. Whitt began
22 approaching and was recording us. It doesn't -- Mr.
23 Whitt's presence there did not factor into my
24 decision to move everything back to, everything to
25 where the stolen van was located. So then we moved

1 **everything to where the stolen van was located, and**
2 **when I say everything, me, the involved officers,**
3 **all of our police cars and the suspects, and then**
4 **Mr. Whitt followed us to where we went.**

5 Q. Okay. I wasn't entirely clear, and that
6 really helped me understand, I appreciate it. So
7 the first time the officers --

8 **A. There was no reason to --**

9 Q. The first time that any officer spoke to
10 Mr. Whitt was after he followed you closer to the
11 van.

12 **A. Correct.**

13 Q. You were the, the first officer to speak
14 to Mr. Whitt, is that right?

15 **A. Correct; I believe so.**

16 Q. And the first thing you said was:
17 Please back up; and he backed up just a short
18 amount.

19 **A. Yes.**

20 Q. What happened after that?

21 **A. He began becoming argumentative and**
22 **questioning essentially why we were there.**

23 Q. Mr. Whitt wasn't armed, was he?

24 **A. I'm sorry?**

25 Q. Mr. Whitt was not armed, was he?

1 **A. He had a gun on him, if I recall**
2 **correctly.**

3 Q. (Inaudible) ammunition on you, would
4 that sound accurate to you?

5 **A. What's that, Pat?**

6 Q. If I represented to you that he didn't
7 have a firearm, but only a clip of ammunition, would
8 that sound accurate?

9 **A. Yes. The officer who searched him may**
10 **be better answer, equipped to answer that, though.**

11 Q. Did Mr. Whitt attempt to speak to anyone
12 other than officers?

13 **A. I don't recall.**

14 Q. Did he ever attempt to physically
15 intervene in your investigation?

16 MS. DUNCAN: I'm going to object as to
17 vague as to what you mean by physically intervene.
18 Can you clarify that?

19 MR. MOBLEY: Yeah, let me rephrase.

20 Q (By Mr. Mobley) Was he ever between you
21 and the scene?

22 THE WITNESS: We didn't know
23 specifically where the scene was at, at that
24 juncture, because the scene, according to the
25 caller, the suspects exited the van and fled.

1 All -- many times in my experience, suspects
2 sometimes leave behind evidence or drop something
3 that's important to the case, and we haven't, hadn't
4 at that point investigated that avenue yet. So he
5 could have been.

6 Q. (Inaudible), had Mr. Whitt made contact
7 with any officer?

8 A. Pat, your, the first part of your
9 question didn't come through.

10 Q. Before he was arrested, did Mr. Whitt
11 make any contacts -- did he ever touch an officer?

12 A. No.

13 Q. Was there traffic on Wells Avenue during
14 the time that you were speaking to Mr. Whitt?

15 A. Not that I recall.

16 Q. After he backed up the first time, which
17 in my understanding put him on the sidewalk, how far
18 away was he from -- and correct me if he was not on
19 the sidewalk, but how far away from he -- from the
20 van at that point was he?

21 A. Perhaps ten or fifteen feet.

22 Q. How long did you speak to Mr. Whitt
23 before you decided to arrest him?

24 A. I'm sorry?

25 Q. How long did you talk to Mr. Whitt

1 before you decided to arrest him?

2 **A. Maybe... I don't know.**

3 Q. Would it have been fewer than five
4 minutes?

5 **A. Yes.**

6 Q. Was it your decision eventually to
7 arrest Mr. Whitt?

8 **A. Yes.**

9 Q. Who actually effectuated the arrest?

10 **A. The question was who effectuated the**
11 **arrest?**

12 Q. Correct.

13 **A. Myself, I believe it was Officer Shaw,**
14 **and then Officer Linhorst.**

15 Q. Do you remember who put on his
16 handcuffs?

17 **A. Not specifically.**

18 Q. Do you remember who searched Mr. Whitt?

19 **A. It would have been Officer Linhorst or**
20 **Officer Shaw.**

21 Q. Whose police vehicle was he put into?

22 **A. I don't know.**

23 Q. I assume then that you also don't know
24 who drove him?

25 **A. Correct.**

1 Q. Do you know where he was taken to?

2 A. Typically -- he would most likely have
3 been taken to the North Patrol Division.

4 Q. So Mr. Whitt is standing on the
5 sidewalk, but he's still probably 10 to 15 feet away
6 from the van, the allegedly stolen van, you talked
7 to him for a few minutes, and at what point did you
8 decide to arrest Mr. Whitt?

9 A. When Mr. Whitt continuously -- well, he
10 was hindering our investigation, and he was
11 focusing, drawing our attention away from our
12 suspects, and then our investigation. Mr. Whitt, I
13 recall specifically we asked him to back up to a
14 light pole which I thought represented a good medium
15 for, to protect his amendment -- or his rights to
16 film us, but also to make my responsibility for my
17 officers to make my officers safe, ensure the safety
18 of the citizens, and then ensure the safety of our
19 suspects who were in our custody. So when Mr. Whitt
20 continued to argue with us and failed to move back
21 to a spot that I determined would be I felt
22 comfortable with him being, that's when I determined
23 that he should be placed under arrest.

24 Q. How far away from Mr. Whitt was the
25 light pole that you directed him to?

1 **A. About another 15 feet.**

2 MR. MOBLEY: Abby, are you okay with
3 like a five-minute break right now?

4 MS. DUNCAN: Sure, that's fine.

5 MR. MOBLEY: Okay, so we'll say about
6 2:20 or so we can come back.

7 MS. DUNCAN: Sure. Can we actually make
8 it a ten-minute break?

9 MR. MOBLEY: Yeah, no problem. 2:25?

10 THE WITNESS: Sounds good.

11 (Recess)

12 Q (By Mr. Mobley) Sergeant, I don't think I
13 have too many more questions for you, I want to tie
14 up some loose ends, though. First, was there any
15 police tape that you had put up at the scene when
16 Mr. Whitt arrived?

17 THE WITNESS: No.

18 Q (By Mr. Mobley) Were officers patrolling
19 the perimeter of the scene?

20 **A. Pat, you're breaking up again.**

21 Q. Were any officers responsible for
22 monitoring the perimeter of the, of the scene?

23 **A. At that point it was kind of all of our**
24 **responsibility, we had so many subjects in custody**
25 **and so many moving parts I didn't have the resources**

1 **to be able to designate to patrol the perimeter of**
2 **the scene.**

3 Q. Other than Officers Linhorst and Shaw,
4 can you name any other officers who were present at
5 the scene?

6 A. **I believe Officer Peterson, and then**
7 **Officer Lipina were also present. There were**
8 **additional officers, but I don't recall their names**
9 **off the top of my head.**

10 Q. So that's Peterson and did you say
11 Lipina, can you spell that one for me?

12 A. **L-I-P-I-N-A.**

13 Q. Thank you. Are both Officers Peterson
14 and Lipina still in your district?

15 A. **Just to clarify, the event interactions**
16 **with Mr. Whitt occurred in the 5th District, and I'm**
17 **now assigned to the 4th District.**

18 Q. Were the officers who responded -- the
19 officers who were there when you were there, were
20 they 4th District or 5th District officers?

21 A. **5th District officers.**

22 Q. So these are not officers that you
23 supervised?

24 A. **At the time of the incident I was**
25 **assigned to the 5th District, but I am now assigned**

1 **to the 4th District.**

2 Q. I gotcha, okay, thank you. You were
3 saying something much easier for me to understand,
4 and I made it unnecessarily complicated.

5 **A. Good.**

6 Q. Do you know if Officers Peterson and
7 Lipina are still in the 5th District?

8 **A. Officer Lipina is a, is a detective in**
9 **the 5th District Detective Bureau, and Officer**
10 **Peterson is a detective assigned to the Intelligence**
11 **Division currently.**

12 Q. Thank you. The first time you noticed
13 Mr. Whitt when you had not moved to the van yet, how
14 far away was he at his closest point to you?

15 **A. Maybe 30 or 40 feet.**

16 Q. What caused you to notice him?

17 **A. As a police officer I try to be**
18 **observant of my surroundings and he just kind of**
19 **caught my eye, he was on his bike kind of straddling**
20 **his bike, and there weren't a lot of other people**
21 **milling around.**

22 Q. How would things have gone
23 differently -- strike that.

24 You mentioned that there were not a lot
25 of other people in the area -- strike that, sorry.

1 So after Mr. Whitt was put into a police
2 car and transported to whichever station it was that
3 he went to, I'm sorry, I don't know it off the top
4 of my head, did you have any subsequent contact with
5 him?

6 **A. Not that I recall.**

7 Q. Did you complete any paperwork regarding
8 the arrest?

9 **A. I did not personally, no.**

10 Q. Did you (inaudible) regarding the
11 arrest?

12 THE REPORTER: You cut out, sir.

13 THE WITNESS: The middle part your
14 statement.

15 Q (By Mr. Mobley) Did you approve the
16 police report regarding Mr. Whitt's address?

17 **A. I believe I approved it one level,**
18 **possibly two, I don't recall specifically, I'd have**
19 **to look at the report.**

20 Q. Have you spoken to any other officers
21 about Mr. Whitt?

22 **A. I spoke with a lot of people about him**
23 **during the incident and shortly thereafter.**

24 Q. Did you ever talk to a supervisor about
25 the incident?

1 **A. Well, I'm the supervisor, but I would**
2 **have talked to, I had talked to the police commander**
3 **about the incident.**

4 Q. That's what I meant was, was someone who
5 supervises you, I'm sorry I wasn't clear there.

6 **A. Sure.**

7 Q. Did you ever talk to the city attorney
8 or the quote/unquote prosecutor?

9 **A. Yes.**

10 Q. Were you speaking about the possible
11 municipal prosecution of Mr. Whitt?

12 **A. It's been a long time, but yes.**

13 Q. What... what, if anything, did that
14 attorney tell you was going to happen with Mr.
15 Whitt's case?

16 **A. I vaguely recall that the case was going**
17 **to be nulled.**

18 Q. (Inaudible.)

19 **A. I'm sorry, Pat, that didn't come**
20 **through.**

21 Q. Do you know why it was going to be
22 nulled?

23 **A. I do not.**

24 Q. Have you ever heard of the organization
25 Cop Watch?

1 **A. I have in the wake of Mr. Whitt's**
2 **arrest.**

3 Q. Just to clarify, though, you had not
4 heard of it before the arrest?

5 **A. I was vaguely aware of it, but not, I**
6 **just knew of its existence, but nothing very**
7 **specific.**

8 Q. Do you remember where you learned about
9 Cop Watch's existence?

10 **A. No.**

11 Q. Is it fair to say that it's widely known
12 in the police department?

13 **A. Probably... I want to say that's a fair**
14 **statement.**

15 Q. Would you say 25 percent of officers are
16 aware of Cop Watch?

17 MS. DUNCAN: Let me object as to
18 speculation, this witness doesn't know what other
19 officers know. You can answer, Matt.

20 THE WITNESS: I have no idea, Pat.
21 Every, everybody's a cop watcher now. Everybody has
22 a camera.

23 Q (By Mr. Mobley) Would it be fair to say
24 that you have, on at least one occasion, spoken to a
25 colleague about Cop Watch?

1 **A. In the wake of Mr. Whitt's, our**
2 **encounter with Mr. Whitt, yes.**

3 Q. I have no further questions, thank you,
4 Sergeant.

5 **A. Yes, sir.**

6 MS. DUNCAN: I have no follow-up.

7 (Discussion off the record.)

8 MS. DUNCAN: We can, we'll waive.

9 (Signature waived.)

10 (Off the record at 2:39 p.m.)

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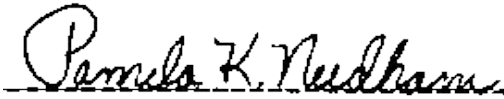
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CERTIFICATE OF REPORTER

I, Pamela K. Needham, Certified Court Reporter
within and for the State of Missouri, do certify
that the witness whose testimony appears in the
foregoing deposition was duly sworn by me; the
testimony of said witness was taken by me to the
best of my ability and thereafter reduced to
typewriting under my direction; that I am neither
counsel for, related to, nor employed by any of the
parties to the action in which this deposition was
taken, and further, that I am not a relative or
employee of any attorney or counsel employed by the
parties thereto, nor financially or otherwise
interested in the outcome of the action.



Pamela K. Needham, CSR, CCR
Illinois CSR No. 084-002247
Missouri CCR No. 505

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